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| APPLICATION NO.                                                                                                                                        | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.        | CONFIRMATION NO.       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|----------------------|----------------------------|------------------------|
| 10/673,059                                                                                                                                             | 09/26/2003  | Stefan Bagstrom      | 944-1.117                  | 1237                   |
| 4955 7590 10/03/2007<br>WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP<br>BRADFORD GREEN, BUILDING 5<br>755 MAIN STREET, P O BOX 224<br>MONROE, CT 06468 |             |                      | EXAMINER<br>PEREZ, JULIO R |                        |
|                                                                                                                                                        |             |                      | ART UNIT<br>2617           | PAPER NUMBER           |
|                                                                                                                                                        |             |                      | MAIL DATE<br>10/03/2007    | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/673,059

Applicant(s)

BAGGSTROM ET AL.

Examiner

Julio R. Perez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration:
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/02/04.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/06/07 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1- 20, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperrovich (WO99/30479) in view of Erving (5,655,003) and Carlson (US 20030026399).

Regarding claims 1, 8, Alperrovich discloses a device obtaining information about one currently active cellular network system to which the device has one active connection for respective connected applications hosted by the device (page 3, lines 19-22, teach identification of cellular networks within the area coverage of the mobile for determining the available systems as information is exchanged with each cellular system); and deciding whether to allow establishing a new connection to one of the

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currently active cellular network systems on behalf of another application hosted by the device (page 4, lines 23-32-page 5, lines 1-4, 16-27, and claim 1, lines 10-14, further teach a new connection being performed based on a cellular system having a lower rate, which reads on connecting to another cellular system with an application, i.e., deciding on use of favorite factors, within the device), but is silent on based on factors including the information about currently active network systems.

Erving teaches information about combinations of different connections allowed by each currently active network system (col. 1, lines 40-49; col. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2).

It would have been obvious to one skilled in the art at the time of the invention to modify Alperrovich, such that the device would generate indication of changing to a different system based on information that is appropriate for continuing the connection for more efficient and accurate communication.

Alperrovich in view of Erving does not explicitly show wherein the information includes at least the number and type of connections currently in use.

Carlson teaches determining number of carriers; i.e., at least number of connections for selection of the system (Figure 2, 3's 201, 203; Figure 6, #'s 601, 607, par. 45, lines 1-11).

It would have been obvious to one skilled in the art at the time of the invention to modify Alperrovich and Erving, such that includes at least the number and type of connections currently in use, to provide means to detect amount of traffic or load within the system and improve and secure the connectivity to the selected system.

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Regarding claims 2, 9, the combination discloses, wherein the information about currently active cellular network systems includes information about combinations of different kinds of connections allowed by each currently active cellular network system (Erving, col. 1, lines 40-49; col. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2).

Regarding claims 3, 10, the combination discloses, wherein the factors also include information about connections currently in use or wherein the information about currently active cellular network systems includes information about connections currently in use (Erving, col. 1, lines 40-49; col. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2).

Regarding claims 4, 11, the combination discloses the information about connections currently in use includes at least the number and type of connections currently in use (Erving, col. 1, lines 40-49; col. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67).

Regarding claims 5, 12, the combination discloses request made of a network resource controller within the device for permission to establish the network connection and the request includes an identifier corresponding to the application requesting the network connection (Erving, col. 1, lines 40-49; col. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2); and wherein the information about connections currently in use includes identifiers for applications using the connections currently in use, and further wherein the factors also include the identifier for the application and the identifiers for applications using the connections

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currently in use (Erving, col. 1, lines 40-49; col.. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2).

Regarding claims 6, 13, the combination discloses the factors also include the maximum amount of concurrent packet switched data allowed by the connections currently in use (Erving, col. 1, lines 40-49; col.. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2).

Regarding claims 7, 14, the combination discloses the active cellular network systems include at least a GSM network, a WCDMA network, or a CDMA2000 network (Erving, col. 1, lines 50-55).

Regarding claims 9, 15, the combination discloses the information about currently active cellular network systems includes information about combinations of different kinds of connections allowed by each currently active cellular network system (col. 1, lines 40-49; col.. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2).

Regarding claim 16, the combination discloses embodying computer program code thereon for execution by a computer processor in a telecommunication terminal, with said computer program code characterized in that it includes programming instructions (Erving, col. 1, lines 37-50; col. 2, lines 31-35).

Regarding claim 17, the combination discloses embodying computer program code thereon for execution by a computer processor in a telecommunication terminal, with said computer program code characterized in that it includes instructions for performing the steps (Erving, col. 1, lines 37-50; col. 2, lines 31-35).

Regarding claim 18, the combination discloses embodying computer program code thereon for execution by a computer processor in a telecommunication terminal, with said computer program code characterized in that it includes instructions for performing the steps (Erving, col. 1, lines 37-55).

Regarding claims 19, 20, the combination discloses an operator network having at least one cellular system, and also comprising the mobile terminal (Erving, col. 1, lines 50-55).

Regarding claim 23, the combination discloses a mobile terminal for wireless communicating with the one currently active cellular communication system (Alperrovich, Figure 2, #'s 200, 242, 252; page 4, lines 29-32).

4. Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperrovich (WO99/30479) in view Erving (5,655,003) and Carlson (US 20030026399).

Regarding claim 21, Alperrovich discloses, in a mobile terminal, equipped to establish a network connection on behalf of an application hosted by the mobile terminal, comprising: means, responsive to a signal from the application to establish the connection, for providing a request to allow establishing the connection (page 3, lines 19-22, teach identification of cellular networks within the area coverage of the mobile for determining the available systems as information is exchanged with each cellular system); and means, responsive to the request to allow establishing the connection, and also responsive to information about currently active cellular systems, for determining whether to allow establishing the connection about currently active cellular network systems (page 4, lines 23-32-page 5, lines 1-4, 16-27, and claim 1, lines 10-14,



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further teach a new connection being performed based on a cellular system having a lower rate, which reads on connecting to another cellular system with an application), but is silent on based on factors including the information about currently active network systems.

Erving teaches information about combinations of different connections allowed by each currently active network system (col. 1, lines 40-49; col. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2).

It would have been obvious to one skilled in the art at the time of the invention to modify Alperrovich, such that the device would generate indication of changing to a different system based on information that is appropriate for continuing the connection for more efficient and accurate communication.

Alperrovich in view of Erving does not explicitly show wherein the information includes at least the number and type of connections currently in use.

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It would have been obvious to one skilled in the art at the time of the invention to modify Alperrovich and Erving, such that includes at least the number and type of connections currently in use, to provide means to detect amount of traffic or load within the system and improve and secure the connectivity to the selected system.

Regarding claim 22, the combination discloses the factors also include information about connections currently in use or wherein the information about



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currently active cellular network systems includes information about connections currently in use, and wherein the means for providing the request to establish the connection comprises: means for making the request for permission to establish the network connection with the request including an identifier corresponding to the application requesting the network connection (Erving, col. 1, lines 40-49; col.. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67; col. 6, lines 58-67-col. 7, lines 1-2); and wherein the information about connections currently in use includes identifiers for applications using the connections currently in use, and further wherein the factors also include the identifier for the application and the identifiers for applications using the connections currently in use (Erving, col. 1, lines 40-49; col.. 2, lines 36-51; col. 3, lines 5-10; col. 4, lines 25-35, 50-67).

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R. Perez whose telephone number is (571) 272-7846. The examiner can normally be reached on 10:30 - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William G. Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Julio R Perez  
Examiner  
Art Unit 2617

9/27/07

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